

Notice of Allowability

Application No.

10/621,613

Examiner

Jeff Piziali

Applicant(s)

SUNDA ET AL.

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 13 August 2007.
2. ☒ The allowed claim(s) is/are 1-10, 17 and 40 (renumbered as claims 1-12).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 9/28/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Jeff Piziali
1 October 2007

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Please amend the claims as follows:

IN THE CLAIMS:

Cancel claims 11-16, 18-39, and 41-44.

Election/Restrictions

2. **Claims 1-10, 17, and 40 (renumbered as claims 1-12) are allowable.** The restriction requirement among species, as set forth in the Office action mailed on 3 October 2006, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.**

Claim 17 directed to *the multi-way input device according to claim 10, wherein: the operational failure memory section accumulatively stores an operation history in compliance with each selection menu screen; and the operational failure analysis section analyzes an operational failure history for each selection menu screen and stores resulting information*, is no longer withdrawn from consideration because the claim requires all the limitations of an allowable claim (in this case, elected independent claim 10).

Art Unit: 2629

However, claims 11-16, 18-39, and 41-44, not directed to part or all of the aforementioned subject matter, remain withdrawn from consideration because they do not all require all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicants are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

3. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

5. The drawings were received on 13 August 2007. These drawings are acceptable.

Allowable Subject Matter

6. Claims 1-10, 17, and 40 (renumbered as claims 1-12) are allowed.
7. The following is an examiner's statement of reasons for allowance:

The present invention comprises a multi-way input device. The prior art, *Masudaya (US 2001/0040562 A1)* discloses a multi-way input device [Fig. 1; 10] adapted to perform input operation (see Fig. 3) through tilting or sliding movements of an operation terminal [Fig. 1; 14] in a given direction (i.e., forward, backward, left, right) to allow a command (see Fig. 3) correlated with the direction to be selected (see Pages 3-4; Paragraphs 41-46), the multi-way input device comprising: an operational failure judgment section [Fig. 1; 15] judging if selective operation of an operator [Fig. 2; 21 & 22] is involved in an operational failure (i.e., a mistake); an operational failure memory section storing information, related to operational failures judged by the operational failure judgment section, as an operation history (see Fig. 4); an operational failure analysis section [Fig. 5; S56] analyzing the operation history stored in the operational failure memory section for thereby judging a tendency of the operational failures; and an adjusting section [Fig. 5; S60] adjusting a moveable mode of the operation terminal to avoid the operational failures in response to a resulting analysis made by the operational failure analysis section (see Page 4; Paragraph 48)

However, as argued by the applicant (on Pages 27-30 of the Amendment filed 13 August 2007), the prior art does not expressly teach the subject matter of *an adjusting section adjusting a moveable range of the operation terminal to avoid the operational failures in response to a resulting analysis made by the operational failure analysis section*, in combination with the remaining features and subject matter of the instantly claimed invention.

This distinct structural and operational arrangement has been incorporated into all three independent claims (i.e. claims 1, 10, and 40 -- renumbered as claims 1, 10, and 12), thereby rendering them allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeff Piziali
1 October 2007